

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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DARRYL ORRIN BAKER, :
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 Plaintiff, :
 :
 VS. : CASE NO. 05-147 Erie
 :
 UNITED STATES OF AMERICA, et al. :
 :
 Respondent. :
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MOTION TO RECONSIDER DISTRICT JUDGE ORDER

Plaintiff, Darryl Orrin Baker, respectfully submits this request to have this Honorable Court to reconsider it's **ORDER** dated July 12, 2005, and for the reasons that follow:

(1) This Honorable Court issued a **Order** denying the plaintiff's complaint on July 12, 2005, indicating that the plaintiff failed to provide this Court with the appropriate filing fee. see (attachment 1)

(2) The plaintiff filed a Motion for Verification of Filing Fee on July 5, 2005, explaining the reasons for delay. see (attachment 2)

(3) The plaintiff would like to bring this Honorable Court's attention to document's that cause this Honorable Court to dismiss the plaintiff's complaint.

(4) After this Honorable Court's **Order**, the plaintiff filed a Inmate Request to Staff Member Form to find out what was the delay for this Court not receiving the filing fee on time. see (attachment 3)

(5) Ms. B. Shasteen, Business Office Accountant, answered my request and indicated that:

Your form was received in my office on July 7, 2005 and processed on July 14, 2005, Policy states these forms are to be processed within 5 working days. see (attachment 4)

(6) If this Honorable Court would examine the above statement from Ms. B. Shasteen, Business Accountant here at F.S.L., this Honorable Court would agree that the plaintiff payed the full fining fee of \$250.00 dollars, because the plaintiff has no control of policy process for extracting funds from inmates accounts.

(7) Also, if this Honorable Court would examine the Staff Computer Print Out, this honorable Court would agree that the full amount filing fee for both complaint's have bee faid. The total amount is \$500.00 dollars. Please see (attachment 5)

CONCLUSION

- (1) The Plaintiff respectfully request that this Honorable Court review all of the Plaintiff's document's that have been submitted, and this Court will agree that the Plaintiff have paid the full amount for both complaints which will be \$500.00 dollars.
- (2) The Plaintiff request that this Honorable Court withdraw it's **Order** dismissing the Plaintiff's complaint for failing to pay the filing fee.
- (3) That the Plaintiff has no control of funds being extracted out of inmate fund accounts.
- (4) That Ms. B. Shasteen, Business Accountant Staff has submitted verification why the Plaintiff filing fee was late.
- (5) **Therefore**, the Plaintiff request that this Honorable Court withdraw it's **Order** dismissing Plaintiff's complaint because, Plaintiff has proved through documentation the reasons for the delay, and Ms. B. Shasteen Business Account that the money voucher was received on July 7, 2005, and processed July 14, 2005, within 5 working days by policy. So, Plaintiff has met the July 11, 2005, deadline issued by the Magistrate Judge.
- (6) Was Plaintiff denied access to the Court's by Staff here at F.S.L. Elkton.

EXECUTED: AUGUST 1, 2005.

Respectfully submitted

/s/ Darryl Orrin Baker
Darryl Orrin Baker
Reg. No. # 19613-039